

**Town of Needham  
Board of Appeals**

**MINUTES**

**THURSDAY, February 26, 2015 at 7:30 PM**

Selectmen's Chambers – Town Hall  
1471 Highland Avenue, Needham, Massachusetts

7:30 p.m.

Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Zoning Appeals was held in the Selectmen's Chambers, Town Hall 1471 Highland Avenue, Needham, Massachusetts. Vice-Chairman, Jon D. Tamkin presided and the following members were present: Howard S. Goldman, Peter Friedenbergl and Kathy Lind Berardi. Mr. Tamkin left after Case #1 and Mr. Goldman presided as Acting Chairman for the rest of the evening.

The Agenda of the meeting is attached.

The Board unanimously voted to approve the minutes from January 29, 2015.

**Informal Matter - Consolidation of the Board of Appeals', Conservation Commission's and Planning Board's Budgets**

The Board of Appeals listened to a presentation by Lee Newman, Director of Planning and Community Development explaining the proposed budget consolidation. The Board members had an opportunity to ask questions and discuss the matter.

Kathy Lind Berardi made a motion that the Board of Appeals vote:

to accept the consolidation recommendation of the Town Manager as detailed in a memo to the Board of Appeals dated January 29, 2015, said departmental consolidation to permit the budgets of the Conservation Commission, Board of Appeals and Planning Board to be combined into a single budget for Planning and Community Development, with the goal of providing greater flexibility in financial management through the sharing of resources among departments while at the same time respecting the integrity of the respective department's annual budget allocation.

The support of the Board of Appeals is predicated on the assurances provided by the Town Manager in said memo that: 1) the noted financial flexibility is to be used solely to allow managers of the affected departments to share resources, usually of a minor administrative nature, if all parties are in agreement; 2) the wholesale transfer of funding resources between departments is not planned nor would it be permitted; and 3) the Board of Appeals will receive advanced notice of any contemplated transfer to or from the Board of Appeals budget.

Howard S. Goldman seconded the motion.

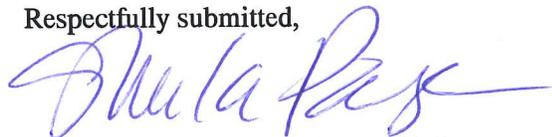
The Board of Appeals voted to unanimously approve the motion.

Case #1	397-399 Great Plain Avenue	Granted
Case #2	190 Edgewater Drive	Granted
Case #3	145 Rosemary Street	Granted
Case #4	16-18-20 Highland Terrace	Granted
Case #5	9 August Way	Continued to March 26, 2015

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. The hearings can be viewed on the [needhamchannel.org](http://needhamchannel.org) website or a DVD of the hearing is also available in the office of the Zoning Board of Appeals.

The meeting adjourned at 9:38 p.m.

Respectfully submitted,



Sheila Page, Administrative Specialist

**TOWN OF NEEDHAM  
BOARD OF APPEALS**

**AGENDA**

THURSDAY, February 26, 2015 at 7:30 PM  
Selectmen's Chambers – Town Hall  
1471 Highland Avenue, Needham, Massachusetts

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**MINUTES 7:30 PM** Discussion and approval of meeting minutes from January 29, 2015.

**Informal Matter** Discussion of budget consolidation of Conservation Commission and ZBA with Planning Board.

**Case #1 7:30 PM** Public notice is hereby given that Chestnut Street Donuts, Inc. d/b/a Dunkin' Donuts, has made application to the Board of Appeals to amend the Special Permit dated March 31, 2005 issued by the Board of Appeals to allow seating for in-store consumption under Sections 3.2.3.2, 5.1.1.5 and any other applicable Sections of the Zoning By-law and to waive strict adherence to parking and design requirements pursuant to Sections 5.1.2 and 5.1.3 of the Zoning By-Law. The property is located at 397-399 Great Plain Avenue, Needham, MA in the Neighborhood Business District. Upon said notice, a public hearing will be held in the Selectmen's Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, February 26, 2015 at 7:30 p.m. at which time and place all persons interested may appear and be heard.

**Case #2 7:40 PM** Public notice is hereby given that David M. Nectow, owner, has made application to the Board of Appeals to amend the Special Permit issued by the Board of Appeals dated April 24, 2014 for a plan substitution and a Special Permit to allow the construction of certain residential improvements including a deck, swimming pool (together with structures, walkways, mechanical systems accessory thereto and fences), hot tub and pervious terrace within the Flood Plain Zoning District under Sections 3.3.3(h) and (i) and any other applicable Sections of the Zoning By-law. The property is located at 190 Edgewater Drive, Needham, MA in the Single Residence A District. Upon said notice, a public hearing will be held in the Selectmen's Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, February 26, 2015 at 7:40 p.m. at which time and place all persons interested may appear and be heard.

**Case #3 7:50 PM** Public notice is hereby given that Dan M. Rutowicz, DPM, PC, tenant, has made application to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 7.5.2 and any other applicable Sections of the Zoning By-law to waive strict adherence to the off-street parking requirements and design requirements of Sections 5.1.2 and 5.1.3 of the Zoning By-law. The applicant proposes to lease 3,071 square feet of first floor space in the building for medical office use. The property is located at 145 Rosemary Street, Needham, MA in the Industrial Zoning District and the Single Residence B District. Upon said notice, a public hearing will be held in the Selectmen's Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, February 26, 2015 at 7:50 p.m. at which time and place all persons interested may appear and be heard.

**Case #4 8:00 PM** Public notice is hereby given that First Choice Management, Inc., owner, has made application to the Board of Appeals to amend the Special Permit issued by the Board of Appeals dated October 17, 2013 for a plan substitution to allow the partial re-construction of the existing non-conforming three-car garage and to construct a second story above the same garage with less than the required side and rear side yard setback under Sections

1.4.6, 4.2.3, 6.1.2 and 7.5.2 and any other applicable Sections of the Zoning By-law. The property is located at 16-18-20 Highland Terrace, Needham, MA in the General Residence District. Upon said notice, a public hearing will be held in the Selectmen's Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, February 26, 2015 at 8:00 p.m. at which time and place all persons interested may appear and be heard.

Case #5 8:15 PM

Public notice is hereby given that Viola E. Miller, owner, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 3.2.1, 5.1.1.5 and any other applicable Sections of the Zoning By-law for the change, extension and alteration of a lawful pre-existing non-conforming contractor's yard to allow for the storage of commercial vehicles such as paving and landscaping equipment and to waive strict adherence to parking and design requirements pursuant to Sections 5.1.2 and 5.1.3 of the Zoning By-Law. The property is located at 9 August Way, Needham, MA in the Single Residential B District. Upon said notice, a public hearing will be held in the Selectmen's Chambers, Town Hall, 1471 Highland Avenue, Needham, MA, on Thursday, February 26, 2015 at 8:15 p.m. at which time and place all persons interested may appear and be heard.